

Serial No. 09/845,336  
Docket No. T36-131965M/RS

**REMARKS**

Claims 1-22 are all the claims presently pending in the application. Claims 1-22 stand rejected under 35 U.S.C. § 102(f) as not being invented by Applicant.

Specifically, the Examiner alleges that Applicant did not invent the claimed subject matter. Applicant submits, however, that Applicant did invent the claimed subject matter.

In the Office Action the Examiner states that the inventor claims priority in the present Application to Japanese Application No. 2000-131933, and alleges that the inventor listed on that Japanese Application is Toshiya Kamimura. However, the Examiner is incorrect.

The inventors in the present Application are Toshiya Uemura and Koichi Ota. The present Application claims priority to two applications, JP2000-131933 and JP2000-154184.

Further, the inventors in JP2000-154184 are Toshiya Uemura and Koichi Ota, and contrary to the Examiner's allegations, the inventor in JP2000-131933 is Toshiya Uemura, not Toshiya Kamimura. Attached hereto as Exhibits 1 and 2 are copies of the front pages for JP2000-154184 and JP2000-131933, respectively, which confirm that the inventors in JP2000-154184 are Toshiya Uemura and Koichi Ota, and that the inventor in JP2000-131933 is Toshiya Uemura.

In addition, Applicant would point out that the Examiner has not identified the document on which the Examiner relies to support her allegations. Thus, if the Examiner maintains this rejection, Applicant would respectfully request that the Examiner identify the document on which she is relying to support her allegations, and provide a copy of the document to

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Application so that Applicant can have an opportunity to respond to the Examiner's allegations.

Specifically, if the Examiner is relying on the English translation of the Patent Abstracts of Japan (PAJ) to support her allegations, Applicant would point out that the PAJ incorrectly identifies "Toshiya Kamimura" as an inventor in JP2000-154184 and JP2000-131933, as clearly shown by the attached Exhibits 1 and 2. This may be due to an error in the translation resulting from the fact that the names "Uemura" and "Kamimura" use the same *kanji* (e.g., Chinese character).

In addition, Applicant would point out to the Examiner that MPEP §2137 states that a designation of inventorship does not raise a presumption of inventorship with respect to the subject matter disclosed but not claimed in a patent so as to justify a rejection under 35 U. S. C. §102(f). Further, MPEP §2137 states that in response to an inquiry regarding the appropriate inventorship under 35 U. S. C. §102(f), Applicant should provide a satisfactory showing that would lead to a reasonable conclusion that Applicant is the inventor of the claimed subject matter.

Applicant respectfully submits that the attached Exhibits 1 and 2, combined with the above explanation is more than sufficient to lead to a reasonable conclusion that Applicant is indeed the inventor of the claimed subject matter in the present Application.

Therefore, Applicant respectfully submits that Applicant is clearly the inventor of the claimed subject matter. Therefore, the Examiner is respectfully requested to withdraw this rejection.

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### FORMAL MATTERS AND CONCLUSION

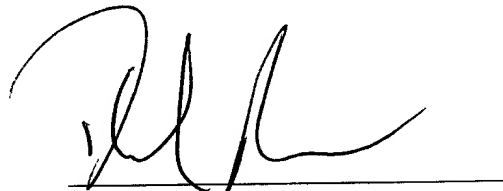
In view of the foregoing, Applicant submits that claims 1-22, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 9/30/04



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Exhibit 1

(19) 日本国特許庁 (J P)

(12) 公開特許公報 (A)

(11) 特許出願公開番号  
特開2001-313420  
(P2001-313420A)

(43) 公開日 平成13年11月9日 (2001.11.9)

(51) Int.Cl.  
H01L 33/00

識別記号

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H01L 33/00

テマコード\* (参考)  
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N

Appl. No.

審査請求 未請求 請求項の数 7 O L (全 8 頁)

(21) 出願番号 特願2000-131933 (P2000-131933)

(22) 出願日 平成12年5月1日 (2000.5.1)

(71) 出願人 000241463

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Fターム (参考) 5F041 AA06 CA40 CA82 CA84 CA88  
CA91 CB15

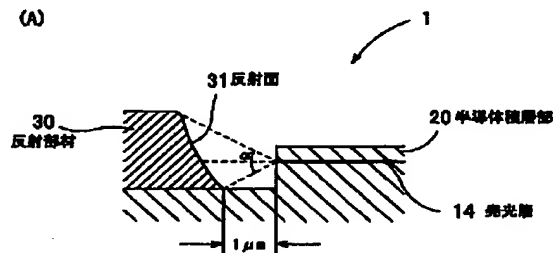
(54) 【発明の名称】 III族窒化物系化合物半導体発光素子

(57) 【要約】

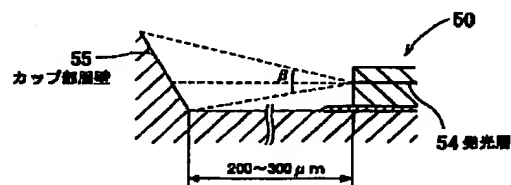
【目的】 半導体層の側面から放出される光を有効に利用できる発光素子を提供する。

【構成】 発光層を含む半導体積層体をエッチングして側面 (立ち面) を出し、当該側面に対向する反射面を同一のチップ内に設ける。

(A)



(B)



PRIORART

Exhibit 2